
Ways & Means Committee

SB 6165

Brief Description: Allowing greater use of short boards for appeals before the shorelines hearings board.

Sponsors: Senators Ranker, Rockefeller, Tom and Jarrett.

Brief Summary of Bill

- Authorizes the chair of the Shorelines Hearings Board (SHB) to designate appeals under the Shoreline Management Act to three-member subsets of the SHB.

Hearing Date: 4/25/09

Staff: Owen Rowe (786-7391) and Ethan Moreno (786-7386)

Background:

The Shoreline Management Act (SMA) governs uses of state shorelines. The SMA enunciates state policy to provide for shoreline management by planning for and fostering "all reasonable and appropriate uses." The SMA prioritizes public shoreline access and enjoyment and creates preference criteria listed in prioritized order that must be used by state and local governments in regulating shoreline uses.

The SMA involves a cooperative regulatory approach between local governments and the state. At the local level, the SMA regulations are developed in local shoreline master programs (master programs). All counties and cities with shorelines in the state are required to adopt and enforce master programs that regulate land use activities in shoreline areas of the state. Master programs must be consistent with guidelines adopted by the Department of Ecology (DOE), and the programs, and segments of or amendments to, become effective when approved by the DOE.

Each local government must establish a program for the administration and enforcement of a shoreline permit system. Although the SMA specifies standards for counties and cities to review and approve permit applications, the administration of the permit system is performed

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exclusively by the local government. Counties and cities must notify the DOE of all permit decisions under the SMA, and only the DOE may approve variance or conditional use permits that authorize actions otherwise prohibited by shoreline regulations.

Substantial development permits are needed for projects with a total cost exceeding \$5,000, or projects that materially interfere with the normal public use of the water or shorelines of the state. Exceptions to substantial development permit requirements are specified in the SMA for certain development actions, including the construction of certain single-family residences, the construction of private noncommercial docks, and normal maintenance or repair of existing structures or developments.

Appeals of substantial development permit decisions are reviewed by the Shorelines Hearings Board (SHB). The SHB is a six-member board that includes the three members of the Pollution Control Hearings Board (PCHB), two members appointed by county and city associations, and the Commissioner of Public Lands or his or her designee. The chair of the PCHB is the chair of the SHB. With some exceptions, the SHB must issue decisions pertaining to the granting, denying, or rescinding of permits within 180 days after the filing of a petition for appeal.

If an appeal under the SMA involves a single-family residence, an appurtenance to a single-family residence, or involves a penalty of \$15,000 or less, the request for review may be heard by a three-member panel that consists of one or two members of the PCHB. Panel decisions must be agreed upon by two of the three panel members, and final decisions of the panel constitute final decisions of the SHB.

Summary of Bill:

The chair of the SHB is authorized to designate appeals for review under the SMA to panels comprised of three SHB members. In designating appeals for review by these panels, the chair must consider specific factors, including the complexity and precedential nature of the case, and the efficiency and cost-effectiveness of using a short (three-member) board versus the full six-member SHB.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.